

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROLANDO RODRIGUEZ,
Petitioner,

v.

LOIS RUSSO,
Respondent.

Civil Action No. 05-11521-RCL

**RESPONDENT LOIS RUSSO'S MOTION FOR ENLARGEMENT OF TIME
TO FILE AN ANSWER OR RESPONSIVE PLEADING TO PETITION FOR
WRIT OF HABEAS CORPUS**

Respondent Lois Russo, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to August 29, 2005. The answer is currently due on August 15, 2005. As grounds therefore, the respondent's attorney states as follows:

1. Rule 5 of the Rules governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted his available state court remedies. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.
2. Additionally, the Court's Order dated July 25, 2005 "requests the Respondent, as part of the return, to file such documents which reflect on the issue as to whether Petitioner(s) exhausted available state remedies with respect to the matters raised by the Petition."
3. To this end, the respondent's attorney requested the record of the petitioner's state

court proceedings from the Suffolk County District Attorney's office. The district attorney's office has recently supplied the files of the state court proceeding but the respondent's attorney will require the additional time to review the state court briefs and prepare an appropriate response to the petition.

4. No previous application for an enlargement of time to answer or otherwise respond to the petition has been made to the Court.

Wherefore, respondent Lois Russo respectfully requests that the Court enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to August 29, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Jonathan Ofilos
Jonathan Ofilos
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2634
BBO # 658091

Dated: August 12, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the petitioner, Rolando Rodriguez, on August 12, 2005, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows: Rolando Rodriguez, *pro se*, W65630, Souza-Baranowski Correctional Center, P.O. Box 8000, Shirley, Massachusetts 01464.

/s/ Jonathan Ofilos
Jonathan Ofilos
Assistant Attorney General